

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

11886

2001 HOUSE TRANSPORTATION

HB 1186

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1186

House Transportation Committee

Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1		x	80
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on: HB 1186; A BILL for an act amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to mileage reimbursement rates for disabled state employees driving specially equipped vehicles.

Paul Feyerlesen, Director, State Fleet Services Division, North Dakota Department of Transportation spoke in favor of this DOT sponsored bill. A copy of his written testimony is attached.

Rep. Weisz - Chairman (248) (side B Tape 1) We had this last session, do you know why wasn't the rate set higher at that time?

Paul Feyerlesen: Initially, at that time it was our proposal not to have a formula and a limitation. We wanted to be able to deal with each individual according to his need. I believe that when the Legislative Council drafted our bill for us, they used some federal regulation somewhere to come up with formula. Based on an average cost of \$7000 to equip these vehicles,-- the 12 cents (per mile reimbursement) -- it just isn't there. One of our employees was really upset because there

was no incentive to drive his own vehicle -- equip me with a vehicle. So I told him I would try to get the formula changed. Back then we had had no experience with the formula and we didn't know where it was going to take us.

Rep. Kelsch: Again, who has the liability on the vehicle? Because he is on state time are we liable?

Paul Feyerlesen: I believe, if I recall correctly, risk management hold that since we participate in this, are liable -- the state and not the personal insurance.

Rep. Kelsch: Mr. Chairman, I think this is something we have to be sure of, we should check this to be sure.

Rep. Thoreson: At the present time you only have two people that this would affect, is that right? How many miles a year does this involve?

Paul Feyerlesen: We presently have two state employees -- I don't think we will have very many. One of those whom we have approved, is getting reimbursed some other way, at perhaps a higher rate than we offered him. The other who asked for the reimbursement, I believe we paid \$625.

It isn't a lot of money and it is very, very important and affordable compared to if we had to equip a vehicle or two.

Rep. Weisz - Chairman (594) Liability is a big issue, we would like you to have Risk Management give you or us a letter clarifying this for us. The committee would like a definitive answer.

Rep. Dosch: What determines a disability -- for example I have a back problem and I have a pillow -- does that qualify me for the 55 cents a mile?

Page 3

House Transportation Committee

Bill/Resolution Number HB 1186

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Paul Feyeriesen: We manage the program --- the formula takes into account the cost of the required to equip that vehicle for that individual -- so no. Comfort features in my opinion and decisions would not qualify. We have accommodated some of the comfort features by specifying seats with lumbar support presently.

Rep. Weisz - Chairman Rep. Dosch, the formula talks about the increased cost of equipment so any increase rate would be based on the cost. I assume that will vary from an increase of from maybe 3 cents a mile higher to maybe 30 or 40 cents.

Paul Feyeriesen: The two examples that we have approved the cost of the equipment has been in the area of \$7000 per vehicle and that is ball park. Incidentally the state has 12 vans, if you will, that are especially equipped for the disabled. They are certainly not driven by the disabled but they are equipped with wheel chairs lifts, etc.

There being no further testimony either for nor in opposition to HB 1186, Chairman Weisz closed the hearing for testimony.(1186)

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1186 b

House Transportation Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1		X	2,931
Committee Clerk Signature <i>Laura L. Friel</i>			

Minutes: Rep. Weisz - Chairman opened discussion on HB 1186.

Rep. Hawken moved a 'Do Pass' for HB 1186. Rep. Schmidt seconded the motion.

Roll call vote: 12 aye 0 nays 2 absent

Rep. Hawken was assigned to carry HB 1186 on the floor.

FISCAL NOTE
 Requested by Legislative Council
 12/26/2000

Bill/Resolution No.: HB 1186

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This legislation would increase the rate the State Fleet is able to reimburse a disabled state employee to use their own specially equipped vehicle in lieu of the Fleet providing such a vehicle. The rates allowed under present law are not adequate to provide an incentive for many disabled employees to use their own vehicles. Therefore, the Fleet is faced with equipping more vehicles for handicapped accessibility at a cost of more than \$20,000 each. The additional cost associated with this bill would likely be less than \$5,000 per biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul Feyerelsen	Agency:	NDDOT
Phone Number:	328-2543	Date Prepared:	12/28/2000

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

House Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	A				
Dan Ruby	A				
Laurel Thoreson	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Hawken

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 19, 2001 1:00 p.m.

Module No: HR-09-1302
Carrier: Hawken
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1186: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1186 was placed on the
Eleventh order on the calendar.

2001 SENATE TRANSPORTATION

HB 1186

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1186

Senate Transportation Committee

Conference Committee

Hearing Date 3-8-01

Tape Number	Side A	Side B	Meter #
1		x	30.7-36.9

Committee Clerk Signature *Suzette Schfer*

Minutes: **HB 1186 relates to mileage reimbursement rates for disabled state employees driving specially equipped vehicles.**

Paul Feyereisen: (Director, State Fleet Services Division; Supports) See attached testimony.

Senator Trenbeath: Shouldn't there be a fiscal note?

Paul Feyereisen: When I talked to L.C., they said that a fiscal note is not needed because the impact is under \$5,000.

Hearing closed.

Senator O'Connell motions to Do Pass. Seconded by Senator Bercier. Roll call taken. 6-0-0.

Floor carrier is Senator O'Connell.

Date: 38
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1186

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken De Pass

Motion Made By O'Connell Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Senator Stenchjem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercier	X	
Senator Mutch	X				
Senator Espgard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment O'Connell

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 11:56 a.m.

Module No: SR-40-5115
Carrier: O'Connell
Insert LG: . Title: .

REPORT OF STANDING COMMITTEE

HB 1186: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1186

HOUSE TRANSPORTATION COMMITTEE

January 18, 2001

**North Dakota Department of Transportation
Paul Feyerelsen, Director, State Fleet Services Division**

HB 1186

Currently, NDCC 24-02-03-3 Part 2 does not allow an fair amount of reimbursement to state employees with disabilities to drive their personally owned, specially equipped vehicle.

We have approved two employees' requests in the amount of 12¢ and 15¢ per mile above the state personal car rate of 25¢ per mile, based on the formula. We do not believe that this amount is an incentive for a state employee to drive his or her personal, specially equipped vehicle. The alternative, under the federal Americans with Disabilities Act, is to equip a state vehicle, at a cost of perhaps more than \$20,000.

If HB 1186 is passed, we could double the rate of reimbursement to 24¢ and 30¢, respectively, above the state personal car rate of 25¢ per mile.

We believe the affected state employees would rather drive their personal vehicle than a state vehicle. They are familiar with their own vehicle, and would be safer than in an unfamiliar state vehicle.

RISK MANAGEMENT A Division of the North Dakota Office of Management & Budget

January 18, 2001

Via Facsimile -- 328-2514

Mr. Paul Feyereisen, Director
State Fleet
North Dakota Department of Transportation
Bismarck ND 58505

Re: House Bill No. 1186

Dear Paul:

This is to confirm that automobile liability coverage under the Risk Management Fund would be the primary liability coverage when state employees use their specially-equipped motor vehicle for State business under the agreement referenced in N.D.C.C. 24-02-03,3(2).

Cordially,


Johanna Zschomler, Director

SENATE TRANSPORTATION COMMITTEE

March 8, 2001

**North Dakota Department of Transportation
Paul Feyerelsen, Director, State Fleet Services Division**

HB 1186

Currently, NDCC 24-02-03.3 Part 2 does not allow a fair amount of reimbursement to state employees with disabilities to drive their personally owned, specially equipped vehicle.

We have approved two employees' requests in the amount of \$.12 and \$.15 per mile above the state personal car rate of \$.25 per mile, based on the formula. We do not believe that this amount is an incentive for a state employee to drive his or her personal, specially equipped vehicle. The alternative, under the federal Americans with Disabilities Act, is to equip a state vehicle, at a cost of perhaps more than \$20,000.

If HB 1186 is passed, we could double the rate of reimbursement to \$.24 and \$.30, respectively, above the state personal car rate of \$.25 per mile. On page two, line six, we propose changing forty to twenty to accomplish this.

We believe the affected state employees would rather drive their personal vehicle than a state vehicle. They are familiar with their own vehicle, and would be safer than in an unfamiliar state vehicle.

Thank you for considering this change.